

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. MJ12-432

Plaintiff,

v.

MARGARITO FARIAS-MENA,

DETENTION ORDER

Defendant.

Offenses charged:

Count 1: Conspiracy to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)

Count 2: Distribution of Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Count 3: Possession of Heroin with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Date of Detention Hearing: August 21, 2012

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of

DETENTION ORDER

18 U.S.C. § 3142(i)

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- 1 the pending charges. Application of the presumption is appropriate in this case.
- 2 2. An immigration detainer has been placed on defendant by the United States
- 3 Immigration and Customs Enforcement.
- 4 3. Defendant has stipulated to detention, but reserves the right to contest his
- 5 continued detention if there is a change in circumstances.
- 6 4. There are no conditions or combination of conditions other than detention that
- 7 will reasonably assure the appearance of defendant as required or ensure the
- 8 safety of the community.

9 IT IS THEREFORE ORDERED:

- 10 (1) Defendant shall be detained and shall be committed to the custody of the
11 Attorney General for confinement in a correction facility separate, to the extent
12 practicable, from persons awaiting or serving sentences or being held in custody
13 pending appeal;
- 14 (2) Defendant shall be afforded reasonable opportunity for private consultation with
15 counsel;
- 16 (3) On order of a court of the United States or on request of an attorney for the
17 government, the person in charge of the corrections facility in which defendant
18 is confined shall deliver the defendant to a United States Marshal for the
19 purpose of an appearance in connection with a court proceeding; and
- 20 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
21 counsel for the defendant, to the United States Marshal, and to the United States
22 Pretrial Services Officer.

23 DATED this 21st day of August, 2012.

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25 _____
26 JAMES P. DONOHUE
 United States Magistrate Judge